

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 12-2889

Caption [use short title]

Motion for: leave to withdraw appealsU.S. v. Yaron, et al

Set forth below precise, complete statement of relief sought:

Appellants Santo Saglimbeni and Artech Corp. seek leave to withdraw their appeals.

MOVING PARTY: Santo Saglimbeni and Artech Corp.☐ Plaintiff☒ Defendant☐ Appellant/Petitioner☐ Appellee/RespondentOPPOSING PARTY: The United StatesMOVING ATTORNEY: Neal S. Comer

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Nikolai G. Levin, Esq.81 Main Street, Suite 205U.S. Dept. of Justice, Anti-Trust DivisionWhite Plains, NY 0601950 Pennsylvania Avenue, Room 3224914-683-5400; Comeresq@aol.comWashington, D.C. 20530; 202-514-2886Court-Judge/Agency appealed from: U.S. District Court, S.D.N.Y.; Hon. George B. Daniels

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:**

Has request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this Court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☒ Yes☐ NoIf yes, enter date: May 28, 2014

Signature of Moving Attorney:

Date: 6-6-2014Service by: ☒ CM/ECF☐ Other [Attach proof of service]

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

| | | |
|--------------------------|---|-----------------|
| UNITED STATES OF AMERICA |) | |
| Appellee |) | |
| |) | |
| v. |) | Case No.12-2889 |
| |) | |
| |) | |
| SANTO SAGLIMBENI, |) | |
| Appellant |) | |

**APPELLANTS ARTECH CORP. AND SANTO SAGLIMBENI'S
MOTION FOR LEAVE TO WITHDRAW THEIR APPEALS**

Now come Appellants, Santo Saglimbeni, and Artech Corp., (the Saglimbeni appellants) who move this court pursuant to Local Rule 42.2 seeking leave to withdraw their appeals.

Annexed hereto are the statement of Marta Saglimbeni, wife of Appellant Santo Saglimbeni and the statement of Neal S. Comer, Esq., the attorney for both appellants on the within appeal.

Dated:
White Plains, NY
June 6, 2014



Neal S. Comer
Attorney for appellants Santo
Saglimbeni and Artech Corp.
81 Main Street, Suite 205
White Plains, NY 10601
914-683-5400
Comeresq@aol.com

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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| UNITED STATES OF AMERICA |) | |
| Appellee |) | |
| |) | |
| v. |) | Case No.12-2889 |
| |) | |
| |) | |
| SANTO SAGLIMBENI and |) | |
| ARTECH CORP. |) | |
| Appellants |) | |

**STATEMENT OF NEAL S. COMER IN SUPPORT OF APPELLANTS
ARTECH CORP. AND SANTO SAGLIMBENI'S MOTION FOR
LEAVE TO WITHDRAW THEIR APPEALS**

NEAL S. COMER, comes before the court and states as follows:

1. I am counsel to the above-captioned appellants.
2. I have spoken by telephone with Santo Saglimbeni and explained to him the effects of voluntarily dismissing this appeal as required by Local Rule 42.2. He understands the effects of this dismissal on himself and on Artech Corp. and clearly expressed to me that he desires to dismiss these appeals effective immediately.

Dated:
White Plains, NY
June 6, 2014

Neal S. Comer

Neal S. Comer
81 Main Street, Suite 205
White Plains, NY 10601
914-683-5400
Comeresq@aol.com

IN THE UNITED STATES COURT OF APPEALS
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| UNITED STATES OF AMERICA |) | |
| Appellee |) | |
| |) | |
| v. |) | Case No.12-2889 |
| |) | |
| |) | |
| SANTO SAGLIMBENI and |) | |
| ARTECH CORP. |) | |
| Appellants |) | |

**STATEMENT OF MARTA SAGLIMBENI IN SUPPORT OF
APPELLANTS ARTECH CORP. AND SANTO SAGLIMBENI'S
MOTION FOR LEAVE TO WITHDRAW THEIR APPEALS**

MARTA SAGLIMBENI, comes before the court and states as follows:

1. I am the wife of Appellant Santo Saglimbeni (Santo).
2. Santo is the person who controls appellant Artech Corp.
3. Santo has asked me to submit this statement in lieu of his statement because he is presently incarcerated at a facility distant from my home and from his attorney's office and it would be a hardship to obtain his signature on a statement.
4. Santo asks that his appeal and that of Artech Corp. be deemed withdrawn and dismissed immediately.

5. Santo informs me that he has spoken with his attorney, Neal S. Comer, Esq., by telephone and that said attorney has fully advised him of the consequences of withdrawing and dismissing these appeals.
6. His attorney has explained to Santo that, by withdrawing and dismissing these appeals, he will, among other things, be giving up valuable and important rights to have his conviction and that of Artech Corp. reviewed by this court; that the convictions will stand and be final in all respects; that the fines and forfeitures imposed by the trial court will remain in effect and that he and Artech Corp. will remain liable for those fines and forfeitures; that the balance of his sentence will be carried out; that even if the co-appellants on this appeal should be successful in having their judgments of conviction set aside or amended, his conviction and that of Artech Corp. will remain in full effect and that there may be other serious consequences of withdrawing these appeals.
7. Santo asks me to advise this court that he fully understands the effects of this dismissal and that he desires to voluntarily and of his own free will withdraw and dismiss these appeals immediately.
8. I have attached, as exhibits to this statement, an e-mail from Santo to me authorizing me to act on his behalf and an e-mail to me which I forwarded to Mr. Comer, directing him to withdraw these appeals.

Dated:
June 6, 2014

Marta Saglimbeni

Marta Saglimbeni